

DANIEL N. BALLARD, ESQ. (CSB #219223) (*Pro hac vice*)
MICHAEL S. WILCOX, ESQ. (CSB #215269) (*Pro hac vice*)
McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law
555 Capitol Mall, 9th Floor
Sacramento, CA 95814
Phone: 916.444.3900
Fax: 916.444.3249

ADAM B. PRICE, ESQ. (USB # 7769)
JONES WALDO HOLBROOK & McDONOUGH
Attorneys at Law
170 So. Main Street, Suite 1500
Salt Lake City, UT 84104-1644
Phone: 801.521.3200
Fax: 801.328.0537

Attorneys for Defendant and
Counterclaimant Battens Plus, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DIVERSI-PLAST PRODUCTS, INC., a
Minnesota Corporation,

Plaintiff,

v.

BATTENS PLUS, INC., a California
Corporation,

Defendant.

BATTENS PLUS, INC., a California
Corporation,

Counterclaimant,

v.

DIVERSI-PLAST PRODUCTS, INC., a
Minnesota Corporation,

Counter-Defendant.

Case No. 2:04CV01005 PGC

**DECLARATION OF PHILIP D.
DREGGER SUPPORTING BATTENS
PLUS, INC.'S MOTIONS FOR
SUMMARY JUDGMENT**

I, Philip D. Dregger, declare:

1. I am a professional engineer and roof consultant registered with the state of California and am currently employed by Pacific Building Consultants, Inc. I have been designated by Battens Plus, Inc. as a testifying expert in the above captioned action under Federal Rule of Civil Procedure 26(a)(2). I make this declaration of my own personal knowledge. If called as a witness, I could and would competently testify as to each stated fact. This declaration is submitted in support of Battens Plus, Inc.'s Motions for Summary Judgment.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Opening Expert Report of Philip D. Dregger Concerning U.S. Patent 6,357,193 B1 dated January 17, 2006 and served on Diversi-Plast, Inc. pursuant to Rule 26 and this Court's order. The opinions appearing in this report are mine and, to the best of my present knowledge, are true and correct.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Rebuttal Expert Report of Philip D. Dregger Concerning U.S. Patent 6,357,193 B1 dated February 13, 2006 and served on Diversi-Plast, Inc. pursuant to Rule 26 and this Court's order. The opinions appearing in this report are mine and, to the best of my present knowledge, are true and correct.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Reply Expert Report of Philip D. Dregger Concerning U.S. Patent 6,357,193 B1 dated February 27, 2006 and served on Diversi-Plast, Inc. pursuant to Rule 26 and this Court's order. The opinions appearing in this report are mine and, to the best of my present knowledge, are true and correct.

5. Attached hereto as **Exhibit D** is a true and correct copy of schematic drawings for Cor-A-Vent V-300 and V-400 Series Ridge Vents. This drawing is dated February 1995. This drawing was also part of an exhibit to my Opening Expert Report dated January 17, 2006. In my opinion this drawing accurately represents the structures of certain Cor-A-Vent ridge vent products and I have personal knowledge that such products were available to the public prior to December 17, 1998, the filing date of the application to which the '193 patent claims priority.

6. Attached hereto as Exhibit E is a true and correct copy of a Cor-A-Vent brochure dating from approximately 1989. This brochure was also part of an exhibit to my Opening Expert Report dated January 17, 2006. In my opinion this brochure accurately describes the way in which the V-400 Series Ridge Vents, depicted in Exhibit D, were used prior to December 17, 1998.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on March 30, 2006 at Concord, California.


PHILIP D. DREGGER